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October 2, 1998

VIA HAND DELIVERY

Magalie Salas, Esquire

Secretary

Federal Communications Commission

1919 M Street, N.W. - Room 222

Washington, D.C. 20554

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OCT - 2 1998

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Re: WT Docket No. 97-153
Ex Parte Presentation

Dear Ms. Salas:

This is to advise the Commission that Ms. Janice Lee, Mr. Frederick Perry and the undersigned, all representing Safety Warning System, L.C., met with Mr. Daniel Phythyon, Chief, Wireless Telecommunications Bureau, and with Ms. D'wana Terry, Chief of the Public Safety and Private Wireless Division, Mr. Herbert Zeiler, Deputy Chief of that Division, and with Mr. Josn Roland and discussed the status and some of the issues of the Commission's proposal in WT Dkt. 97-153. The main purpose of the meeting was to explain to the staff the need for an early decision.

During the meeting, the staff's attention was called to the adoption of the Transportation Technology Innovation and Demonstration Program, which authorizes the continuous study of the kind of vehicle safety warning system the Commission has proposed to accommodate in this proceeding.

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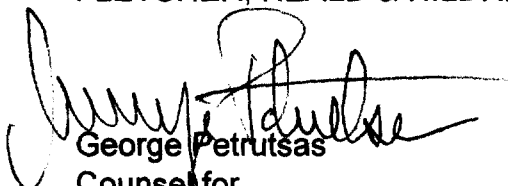
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Magalie Salas, Esquire
October 2, 1998
Page 2

Two copies of the letter are enclosed. A copy of a previous letter to the staff outlining the views of the Safety Warning System is attached to this letter. Please associate this notification and attachments thereto with the Commission's files for WT Docket No. 97-153.

Very truly yours,

FLETCHER, HEALD & HILDRETH, PLC


George Petrutsas
Counsel for
Safety Warning System L.C.

GP:cej
Enclosures
cc: Daniel Phythyon, Esq. (w/enc.)
D.wana Terry, Esq. (w/enc.)
Mr. Herbert Zeiler (w/enc.)
Josh Ronald, Esq. (w/enc.)

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EX PARTE OR LATE FILED

May 20, 1998

VIA HAND DELIVERY

Ms. D'wana Terry
Chief, Public Safety and Private
Wireless Division - WTB
Federal Communications Commission
2025 M Street, N.W. - Room 8010
Washington, D.C. 20554

Re: WT Docket 97-153

Dear Ms. Terry:

On behalf of Safety Warning System, L.C. (SWS) and its President, Janice Lee, thank you for agreeing to meet with us. The purpose of our visit is to urge you to see what you and your staff can do to bring to the Commission for decision as soon as possible one of the proposals in WT Docket 97-153 in which SWS is vitally interested. This matter has been pending for nearly three years.

By way of background, in WT Docket 97-153, the Commission has proposed, among other matters, to amend the rules governing several former public safety radio services (now consolidated into the Public Safety Pool) to authorize state and local governmental agencies to transmit on the frequency 24.10 GHz, in addition to unmodulated continuous wave (radar) radio signals, modulated FM digital signals for the purpose of alerting motorists to hazardous driving conditions or the presence of an emergency. Under current rules, frequencies in the 24.05 - 24.25 GHz band may be used only for transmissions the purpose of which is to determine direction, distance, speed, or position for purposes other than navigation. The band is used extensively by police radars. The Commission's proposal was in response to a petition for rulemaking, RM-8734, filed by RADAR, Inc., an affiliate of SWS L.C. That petition was filed in 1995. SWS L.C. is the developer of the safety warning system

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contemplated in RM-8734. The Commission's NPRM was issued on August 25, 1997. The comment and reply comment periods have expired. Whether SWS remains in business depends on an early positive decision by the Commission.

The Commission's proposal has received substantial support¹ as well as opposition.² Those who supported the proposal agreed with the Commission's tentative conclusion that authorizing operation of a safety warning system would enhance traffic safety in that it would provide state and local public safety agencies with a means for alerting motorists using radar detecting receivers to hazardous

¹Comments in support of the Commission's proposal have been filed by: The International Municipal Signal Association (IMSA) jointly with the International Association of Fire Chiefs ("IAFC"); Agency for Transportation of the State of Vermont; Vermont Railway, Inc.; The Cumberland Gap Tunnel Authority; Broward County, FL; Nebraska State Senator Douglas A. Kristensen, as the Chairperson of Cybortech, Inc.; Sanyo Technica USA, Inc.; Risk Probe, Inc., a safety consultant; Mr. John Tomerlin, a highway safety consultant; David B. Sloan, Esquire; Mr. Dale T. Smith, an Engineer; and Lt. Giffen B. Nickol, a member of the Baltimore City Fire Department, speaking on his own behalf. Comments filed by Teligent, L.L.C., were directed primarily to the Commission's proposal to permit traffic light control on the frequency band 25.20-24.25 GHz.

Important support for the Commission's proposal also came from Senator John F. Kerry of Massachusetts, and from former Congressman Gene Snyder who, while in the Congress, sponsored a demonstration project, which employed "drone" radar transmitters along a dangerous section of Interstate 75 in Northern Kentucky. On the basis of that successful project, former Congressman Snyder offered his "strong support" for the Commission's proposal.

²Comments in opposition were filed by the Department of Transportation (DOT), the International Association of Chiefs of Police (IACP), and by the National Association of Governors' Highway Safety Representatives (NAGHRS).

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driving conditions. DOT, IACP, and NAGHRS, however, disagreed and urged the Commission to reject its proposal.

DOT, IACP and NAGHRS argued that the proposal is not likely to enhance traffic safety. They maintained that local public safety officials are not likely to deploy the proposed warning system because of strong antipathy of police entities towards radar detectors. DOT further argues that adoption of the proposal would promote greater deployment of radar detectors. IACP and NAGHSR agreed with DOT's views and argued further that adoption of the proposal would tend to "legitimize" the use of radar detectors. DOT also expressed concern that operation of safety warning transmitters may subject police radars to interference.

SWS L.C., the developer of the safety warning system, in reply comments, addressed DOT's opposition in detail. It pointed out that DOT, IACP and NAGHRS have erroneously focused on radar detectors rather than the positive aspects of the Commission's proposal. SWS pointed out that the DOT concerns about promoting use of radar detectors have been rendered moot by significant progress in research, standardization and market development associated with the safety warning technology during the past few years. The warning system SWS has developed is a new generation of intelligent transportation technology designed to provide state and local traffic safety authorities with the ability to communicate in a substantive way with motorists. The system SWS has developed will activate audio devices and liquid crystal displays incorporated into small receiving equipment to provide motorists with substantive messages. Current vintage receiving equipment contain up to sixty-four messages built into the receiver with custom messages programmed at the transmitter site or at remote control locations. This would enable state and local safety authorities to send a large amount of information to motorists in real time, advising them of conditions as they approach an accident site, an area of reduced visibility, a bridge under repair, and could even suggest alternate routes. The early generation warning system would communicate primarily with current vintage radar detectors; however, new and future receiving equipment associated with the safety warning system will not have the circuitry to act as radar detectors, as such. This development would mitigate against any concerns and antipathy local police authorities may have about radar detectors.

Although DOT, IACP and NAGHRS opposed the Commission's proposal, other representatives of the public safety community, such as IMSA and IAFC, state agencies, representatives of state legislatures, and state transportation agencies, supported it. In addition, current and former members of the U.S. Congress, have expressed their support as have individuals with safety responsibilities and highway safety consultants. With respect to DOT's concerns about potential interference to

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police radars, the question was the subject of an extensive study conducted by the Georgia Institute of Technology. That study demonstrated that operation of the safety warning transmitters would not interfere with properly operated police radars.³

The safety warning system SWS L.C. has developed is one of many intelligent transportation system ("ITS") related technologies currently being developed and tested with the promise of reducing highway congestion and delay while enhancing safety.⁴ However, because this system is based in part on existing products, existing spectrum allocation, and existing vehicle installation methods, it is much farther along the path to widespread acceptance by motorists than other technologies and has no direct competition, either in the current research environment nor in the marketplace.

There is a strong, growing need for ITS technologies and their integration into surface transportation systems around the country. Many of these technologies, however, require development and installation of a sophisticated infrastructure not yet widely available nor in widespread use. Similarly, state departments of transportation, public-private roadway authorities and other entities responsible for developing and maintaining public thoroughfares lack the funding required to install the infrastructure and consequently realize the benefits of these competing technologies in a timely fashion.

The safety warning system involved here represents a unique opportunity to provide the benefits of ITS, today, without the associated developmental delays. It also provides ITS advocates and planners with an early solution to the dilemmas presented by comparing the promises of other technologies with the reality that their supporting infrastructure does not now exist. Since the safety warning system is ready now, the promises of ITS can be realized by motorists today without the delays and costs associated with other technologies.

Since the filing of RADAR's petition on October 24, 1995, the industry has made substantial progress in developing the safety warning system technology and conducting real-world research on its value, dependability and potential to enhance

³See, Supplementary Comments and Attachment A, filed by RADAR, the initial petitioner of RM-8743 in support of its petition.

⁴See, *Executive Summary*, National ITS System Architecture, Intelligent Transportation Society of America, 400 Virginia Avenue, S.W., Suite 800, Washington, D.C. 20024-2730.

Ms. D'wana Terry
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highway safety in both urban and rural settings. Much of this research is being conducted by the Georgia Tech Research Institute ("GTRI"), a unit of the Georgia Institute of Technology, and the Georgia Department of Transportation under a Congressionally-mandated study contracted for by the Federal Highway Administration ("FHWA"), a permanent agency within DOT. Moreover, Congressional interest in and support for the safety warning system technology continues and a provision for a new study of the technology by FHWA -- as well as a dramatic increase in funding -- is incorporated into the highway funding legislation about to be passed. Thus, DOT's comments in opposition of the Commission's proposal are at odds with both Congressional interest and with activities ongoing within one of its own agencies.

As noted above, DOT's opposition to the Commission's proposal is largely based on its assumption that the safety warning system receivers are basically radar detectors. While that is true for early-generation safety warning system receivers -- which are already in use by consumers -- current and future products will not incorporate the circuitry required for the device to function as a radar detector. The fact mitigates against "the antipathy local safety authorities have expressed for radar detectors."⁵

SWS appreciates that the Commission's staff must be concerned about the opposition of DOT, a federal agency with important responsibilities for highway safety. The oppositions of IACP and NAGHRS must also be of concern. However, SWS respectfully submits that the record in the proceeding as a whole supports the Commission's proposal. It emphasized that the Commission's proposal was supported by representatives of the public safety community, such as IMSA and IAFC, by state agencies, representatives of state legislatures, and by state transportation agencies. And, Congress is about to fund a major additional efforts to develop further the type of motorists communication system involved here.

⁵Nevertheless, the safety warning system would initially take advantage of the 20 million plus radar detectors now in the hands of the motoring public, and, while there are obviously differing views concerning their legitimacy and purpose for which that equipment is now used, they can be used as an effective vehicle for communicating with motorists. It makes obvious good sense not to ignore the fact that the 20 million plus radar receivers are now in the hands of the American motoring public which can be used to receive the benefits of safety warning messages.

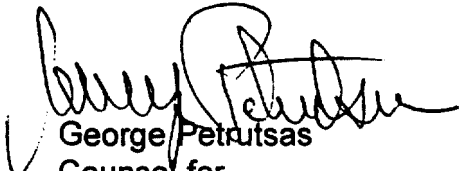
Ms. D'wana Terry
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Moreover, the proposal does not involve the allocation of spectrum for the program. The frequency band is already available to state and local agencies and it is used extensively for police radar operations. The proposal would merely authorize state and local land mobile licensees to transmit, at their sole discretion, FM signals for the purpose of alerting motorists to safety hazards.

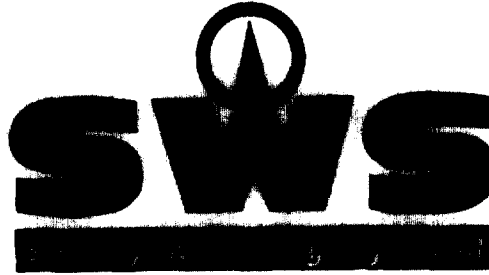
Adoption of the proposal need not increase the use of radar detectors as such, nor "legitimize" them as IACP fears. The Commission's policy on radar detectors is clear and need not change. It is emphasized, however, that the nature of the radar receiving equipment is changing. The future equipment will be capable of receiving substantive messages and will not have the circuitry require to play the role of radar detectors, as such. This would be accomplished by changing the message format from a radar detector based fixed text message storage system to a transmitter based variable text messaging format. This change in transmitter messaging standards will require a special receiver to decode the variable text message and will render all radar detectors built under the fixed text messaging system unable to receive the safety warning signals. The transmission of a variable text message to dedicated safety warning system receivers will, by design, eliminate the scanning of the radar band frequencies and the detection of the presence of police radio transmitters. This is an important development to be encouraged. The availability of reliable economical receiving equipment would accomplish the long-sought goal of communicating directly with motorists, an important objective of the intelligent vehicle and highway system of the future. SWS L.C. respectfully submits that this is yet another important reason why the public interest would be served by the adoption of the Commission's proposal.

Very truly yours,

FLETCHER, HEALD & HILDRETH, P.L.C.


George Petrutsas
Counsel for
Safety Warning System L.C.

GP:cej



PRESS RELEASE

For Immediate Release

ENGLEWOOD, FLORIDA - AUGUST 6, 1998

FOR MORE INFORMATION, CONTACT: JASON RICHARDS (941) 473-1555

FEDERAL GOVERNMENT APPROVES \$2.1 MILLION FUNDING FOR SAFETY WARNING SYSTEM™ TECHNOLOGY

The U.S. Department of Transportation recently announced that the government has earmarked funds for further study of the Safety Warning System™ (SWS), a technology that warns motorists of the presence of traffic hazards and other adverse highway conditions. The DOT will also administer grants to State and local governments to purchase the system and study its efficacy. The Agency's actions follow President Clinton's signing of the landmark Transportation Equity Act for the 21st Century (TEA-21), on June 9, 1998, in which \$2.1 million was approved for research and grants for the Safety Warning System™ over the next three years.

Georgia Tech Research Institute (GTRI), the developer of the microwave-based communications system, will be the recipient of the research funding. The technology, now marketed as the Safety Warning System™, alerts motorists of real-time hazards, unfavorable weather and other traffic conditions via an audible alarm, LED text message and/or even synthesized voice. Among other objectives, GTRI's study will refine the SWS's variable text messaging capabilities.

The Safety Warning™ transmitters that trigger motorists' receivers can benefit government agencies, such as law enforcement, public safety and transportation departments; and in the private sector, fleet operators, utility companies, railroads, and many, many more. Since the transmitter can function in both

- more -



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H.R.2400

Transportation Equity Act for the 21st Century (Referred Bill (Sent to President))

A

SEC. 5117. TRANSPORTATION TECHNOLOGY INNOVATION AND DEMONSTRATION PROGRAM.

(a) IN GENERAL. The Secretary shall carry out a transportation technology innovation and demonstration program in accordance with the requirements of this section.

(b) CONTENTS OF PROGRAM-

(1) NOTICE VEHICLE SAFETY WARNING SYSTEM-

(A) IN GENERAL.- The Secretary shall expand and continue the study authorized by section 358(c) of the National Highway System Designation Act of 1995 (23 U.S.C. 401 note; 109 Stat. 625) relating to the development of a motor vehicle safety warning system and shall conduct tests of such system.

(B) GRANTS.- In carrying out this paragraph, the Secretary may make grants to State and local governments.

(C) FUNDING.- Of the amounts made available for each of fiscal years 1998 through 2000 by section 5001(a)(2) of this Act, \$700,000 per fiscal year shall be available to carry out this paragraph.